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1980

# c 426 Public Works Protection Act

Ontario

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## CHAPTER 426

## Public Works Protection Act

## 1. In this Act,

Interpre-  
tation

- (a) "guard" means a guard appointed under this Act;
- (b) "highway" means a common or public highway or a part thereof, and includes any street, bridge and any other structure incidental thereto and any part thereof;
- (c) "public work" includes,
  - (i) any railway, canal, highway, bridge, power works including all property used for the generation, transformation, transmission, distribution or supply of hydraulic or electrical power, gas works, water works, public utility or other work, owned, operated or carried on by the Government of Ontario or by any board or commission thereof, or by any municipal corporation, public utility commission or by private enterprises,
  - (ii) any provincial and any municipal public building, and
  - (iii) any other building, place or work designated a public work by the Lieutenant Governor in Council. R.S.O. 1970, c. 395, s. 1.

2.—(1) For the purpose of protecting a public work, guards may be appointed by, Guards,  
appointment

- (a) the Solicitor General;
- (b) the Commissioner of the Ontario Provincial Police Force;
- (c) any inspector of the Ontario Provincial Police Force;
- (d) the head or deputy head of the municipal council or the chief of police of the municipality in which the

public work is located, or the person acting in the place or stead of the head or deputy head;

- (e) the chairman or other person who is the head of a board, commission or other body owning or having charge of the public work, or the person acting in the place or stead of the chairman or other person. R.S.O. 1970, c. 395, s. 2 (1); 1972, c. 1, s. 99 (1).

**Powers  
of guard**

(2) Every person appointed as a guard under this section has for the purposes of this Act the powers of a peace officer. R.S.O. 1970, c. 395, s. 2 (2).

**Duties  
of guard**

(3) Subject to the regulations and to any special direction of the Solicitor General or the Commissioner of the Ontario Provincial Police Force, every guard shall obey all directions of the person appointing him, any inspector of the Ontario Provincial Police Force, the chief of police of the municipality in which is located the public work that he is protecting, and the person who is in charge of the protecting of the public work. R.S.O. 1970, c. 395, s. 2 (3); 1972, c. 1, s. 99 (2).

**Breach of  
duty of  
guard**

- (4) Every guard who,
  - (a) neglects or refuses to obey a direction that he is required to obey under subsection (3);
  - (b) fails in any manner to carry out his duties as guard;
  - (c) leaves the location to which he is assigned as guard or ceases to act as guard without leave of any of the persons mentioned in subsection (3); or
  - (d) otherwise conducts himself in a manner not consistent with his duties as guard,

is guilty of an offence and on conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than two months, or to both. R.S.O. 1970, c. 395, s. 2 (4).

**Powers of  
guard or  
peace  
officer**

**3. A guard or peace officer,**

- (a) may require any person entering or attempting to enter any public work or any approach thereto to furnish his name and address, to identify himself and to state the purpose for which he desires to enter the public work, in writing or otherwise;

- (b) may search, without warrant, any person entering or attempting to enter a public work or a vehicle in the charge or under the control of any such person or which has recently been or is suspected of having been in the charge or under the control of any such person or in which any such person is a passenger; and
- (c) may refuse permission to any person to enter a public work and use such force as is necessary to prevent any such person from so entering. R.S.O. 1970, c. 395, s. 3.

**4.** For the purposes of this Act, the statement under oath of an officer or employee of the government, board, commission, municipal or other corporation or other person owning, operating or having control of a public work, as to the boundaries of the public work is conclusive evidence thereof. R.S.O. 1970, c. 395, s. 4.

Statement  
under oath  
to be  
conclusive  
evidence

**5.—(1)** Every person who neglects or refuses to comply with a request or direction made under this Act by a guard or peace officer, and every person found upon a public work or any approach thereto without lawful authority, the proof whereof lies on him, is guilty of an offence and on conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than two months, or to both.

Refusal to  
obey guard,  
etc.

**(2)** A guard or peace officer may arrest, without warrant, any person who neglects or refuses to comply with a request or direction of a guard or peace officer, or who is found upon or attempting to enter a public work without lawful authority. R.S.O. 1970, c. 395, s. 5.

Arrest

**6.** The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the organization, co-ordination, supervision, discipline and control of guards;
- (b) defining the areas that constitute approaches to public works, either generally or with regard to a particular public work;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 395, s. 6.

